

Federal Defenders  
OF NEW YORK, INC.

Southern District

81 Main Street, Suite 300

White Plains, N.Y. 10601

Tel: (914) 428-7124 Fax: (914) 997-6872

Susanne Brody  
Attorney-in-Charge  
White Plains

David E. Patton  
Executive Director  
and Attorney-in-Chief

~~MEMO ENDORSED~~

Via E-mail and ECF

August 25, 2020

The Honorable Kenneth M. Karas  
District Court Judge  
Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601

Re: U.S. v. Omar Figueroa  
20-CR-170 (KMK)

Dear Honorable Karas:

I hope you are well. I am writing in regard to Omar Figueroa and to ask that the terms of his release be modified for one day to allow Mr. Figueroa to attend his twin-sister's wedding on Thursday, August 25, 2020. As background, Mr. Figueroa has been subject to home incarceration since his release in September of 2019.<sup>1</sup>

On Thursday, August 27<sup>th</sup>, Mr. Figueroa's twin sister, Nicole Figueroa, is getting married. The ceremony will be very small – only 15 people are expected to attend.<sup>2</sup> The ceremony will take place at noon inside Nicole Figueroa's home in Queens. After the ceremony, the group will go to a nearby restaurant for brunch and then return to Ms. Figueroa's home for board games<sup>3</sup> and light snacks. While the board games portion of the festivities will last until midnight, Mr. Figueroa is only asking for permission to stay at his sister's until 8:00pm.

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<sup>1</sup> On January 3, 2020, the terms of Mr. Figueroa's home-incarceration was modified to permit him to go to work, but the COVID-19 pandemic has prevented Mr. Figueroa from working since March.

<sup>2</sup> This gathering is permitted under New York's COVID-19 guidelines. New York City is currently in "Phase Four" of re-opening. According to the Department of Health, "Social Gatherings of 50 People and indoor religious gatherings at 33 Percent capacity are allowed in Phase Four." See <https://forward.ny.gov/reopening-what-you-need-to-know>.

<sup>3</sup> The wedding invitation describes this as "Game Night." I have provided a copy of this wedding invitation to both AUSA Nicholas Bradley and Pre-Trial Officer Bernisa Mejia.

I have reached out to Pre-Trial Officer Bernisa Mejia. Officer Mejia explained that she had no objection to this request because "this is a one-time event & the defendant continues to maintain full compliance with his release conditions." I have also reached out to AUSA Nicholas Bradley and he does not object to this request.

Thank you for your consideration.

Application is granted on the assumption that counsel meant to ask for the bail modification to be for Thursday, August 27, 2020. Also, who is Gina?

So Ordered.



8/25/20

Respectfully,

Benjamin Gold  
Assistant Federal Defender

cc: AUSA Nicholas Bradley  
Pre-Trial Officer Bernisa Mejia